

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KARA TESORIERO and KRISTA TESORIERO,

Plaintiffs,

-against-

SYOSSET CENTRAL SCHOOL DISTRICT
and THOMAS CASEY,

Defendants.
-----X

Plaintiffs, KARA TESORIERO and KRISTA TESORIERO, by their attorneys, WILLIAM

H. ENGLANDER, P.C. and JASPAN SCHLESINGER HOFFMAN LLP, complaining of
defendants, allege as follows:

PRELIMINARY STATEMENT

1. This is a civil action brought by the plaintiffs, seeking redress for the violation of rights guaranteed to them by Title IX of the Education Amendments of 1972 20 U.S.C.S. §1681 et.seq. and for a violation of the New York State Human Rights law, Executive Law §296 et. seq., and common law claims.

2. Plaintiffs, while students at Syosset Central School District, have been sexually harassed and subjected to inappropriate physical contact, comments about their physical appearance, received inappropriate gifts, letters and cards, and been subjected to inappropriate personal conversations and stalked by Thomas Casey, a teacher at Syosset High School, distracting them from their studies and causing them mental pain, anguish and humiliation.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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COMPLAINT
LONG ISLAND OFFICE

Case No. **02 4348**
HURLEY, J.

WALL, M.J.

[S.F.]
CV

JURISDICTION

3. This action is brought pursuant to Title IX and the Court has jurisdiction pursuant to 28 U.S.C. §1331.

4. In addition, this Court has supplemental jurisdiction over plaintiff's state law claims brought pursuant to 28 U.S.C. §1367 (a).

VENUE

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2) since the defendant resides within this district and the claim arose in this district.

PARTIES

6. Plaintiff Kara Tesoriero ("Kara") is a female who is a citizen of the United States who resides in Syosset, New York, which is located in Nassau County.

7. Plaintiff Krista Tesoriero ("Krista") is a female who is a citizen of the United States who resides in Syosset, New York, which is located in Nassau County.

8. Defendant Syosset Central School District ("School District") is a Central High School District pursuant to the laws of the state of New York located at 99 Pell Lane, Syosset, New York.

9. Defendant Thomas Casey ("Casey") is a teacher at the Syosset Senior High School located at 70 South Woods Road, Syosset, New York and resides in the County of Nassau.

FACTUAL BACKGROUND

10. Plaintiffs are twin sisters born on April 15, 1984 and attained the age of majority on April 15, 2002.

11. Plaintiffs, by their parents and legal guardians, timely filed a Notice of Claim pursuant to Education Law §3813.

12. This action is timely commenced pursuant to Education Law §3813 and CPLR §208.

13. At all relevant times alleged herein the plaintiffs were minors attending the School District.

14. Plaintiffs attended Syosset High School, beginning their freshman year of high school in 1998 through their senior year in high school.

15. Plaintiffs were assigned to Casey's United States History class in their junior year of high school in 2000-2001. Plaintiffs were sixteen years old during their junior year of high school.

16. During their junior year of high school, Casey singled Krista and, in particular, Kara out for inappropriate personal attention.

17. On more numerous occasions Casey complimented the plaintiffs' physical appearance and made frequent physical contact with plaintiffs.

18. Casey initiated conversations with Kara at school regarding personal matters every day during free periods before and after class.

19. While Krista was made uncomfortable by Casey's attentions and discouraged Casey, he was able to induce Kara to believe she might be in love with Casey.

20. Casey asked for a photograph of the plaintiffs and after receiving the photograph told Kara that he kept it beside his bed in his bedroom.

21. Casey gave Kara a letter describing his feelings for her and the importance she had in his life.

22. Casey attended plaintiffs' weekend track meets although it was not the custom for teachers to attend such events.

23. On Valentine's Day, Kara received a romantic card from Casey describing how much he enjoyed his relationship with her. Both plaintiffs received gifts from Casey, including chocolate and a teddy bear.

24. On or about April 15, 2001, plaintiffs each received a birthday cake in class for their birthdays from Casey. Casey also gave Kara two compact discs and a bottle of body lotion for her birthday.

25. During the summer of 2001, plaintiffs worked at the neighborhood pool. Casey came to visit Kara at her place of work on two occasions and met with her alone in his car. During these meetings, Casey and Kara exchanged hugs and kisses on the cheek and Casey stroked Kara's hair. In addition, Casey and Kara also had meetings during the summer while Casey was supposed to be teaching at Driver's Education and Kara was attending Summer School and on one such occasion, Casey gave Kara a romantic card.

26. During the summer, Casey and Kara in the middle of the night had lengthy telephone conversations. In one such conversation, Casey and Kara discussed having a sexual relationship. The telephone conversations continued most nights until in or about September of 2001.

27. Casey's conduct caused both plaintiffs to develop symptoms of depression and anxiety.

28. Plaintiffs were required to receive therapy from a mental health professional as a result of Casey's conduct.

29. Officials at the Syosset School District were notified about Casey's inappropriate behavior and relationship with the plaintiffs, including Dr. Fazio, a school psychologist, Mr Richard Collins, the assistant principal, and Dr. Schneider, the school principal.

30. All of the above school officials knew about Casey's conduct but took no action to stop Casey from continuing his inappropriate relationship with plaintiffs.

FIRST CLAIM

Pursuant to Title IX

31. Plaintiffs reallege and incorporate by reference ¶¶1 through 30 above.

32. Defendant Syosset Central School District is an Educational Institution within the meaning of Title IX.

33. Plaintiffs were subjected to discrimination in their education by the defendant Casey, an employee of the Syosset School District, which receives federal assistance, and the discrimination was based on the plaintiffs' sex.

34. The appropriate officials at the School District were notified of Casey's misconduct, had the ability to rectify the misconduct, however the School District failed to institute corrective measures on the plaintiffs' behalf and responded to Casey's continuing misconduct with deliberate indifference.

35. As a result of the discrimination, plaintiffs have suffered pain, anguish and mental distress.

SECOND CLAIM

Pursuant to Exec. Law § 296 et. seq.

36. Plaintiffs reallege and incorporate by reference ¶¶1 through 35 above.

37. Plaintiffs were subjected to discrimination by the defendant Casey, an employee of the Syosset School District, which receives federal assistance, and the discrimination was based on the plaintiffs' sex.

38. The appropriate people at the School District were notified of Casey's misconduct, had the ability to rectify the violation, however, the School District failed to institute corrective measures on the plaintiffs' behalf and responded with deliberate indifference.

39. As a result of the discrimination, plaintiffs have suffered pain, anguish and mental distress.

THIRD CLAIM

Negligence

40. Plaintiffs reallege and incorporate by reference ¶¶1 through 39 above.

41. Upon information and belief, Casey had engaged in similar conduct toward other female students and has engaged in other misconduct resulting in discipline.

42. Defendant Syosset Central School District was negligent in its hiring, retention and supervision of defendant Casey because they had knowledge of Casey's propensity to engage in the type of behavior that caused the plaintiffs' injuries.

43. Defendant Syosset School District was aware of Casey's discriminatory behavior and improper conduct toward the plaintiffs.

44. As a result of the School District's negligence, plaintiffs suffered pain, anguish and mental distress.

FOURTH CLAIM

Intentional Infliction of Emotional Harm

45. Plaintiffs reallege and incorporates by reference ¶¶1 through 44 above.

46. Plaintiffs were 1) subject to extreme and outrageous conduct by Casey 2) Casey had the intent to cause severe emotional harm, 3) there is a casual connection between Casey's conduct and the injury sustained by the plaintiffs and 4) the plaintiffs have suffered severe emotional distress.

47. As a result of defendants' conduct, plaintiffs suffered pain, anguish and distress requiring them to seek treatment from a mental health professional.

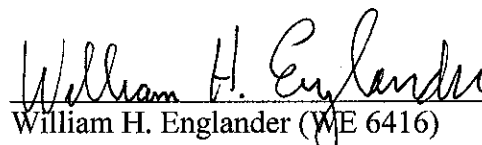
PRAYER FOR RELIEF

WHEREFORE, plaintiffs demands judgment against the defendants on each of their claims as follows: in the amount of \$1,000,000, the costs, disbursements and attorneys fees of this action.

Dated: Garden City, New York
July 31, 2002

WILLIAM H. ENGLANDER, P.C.

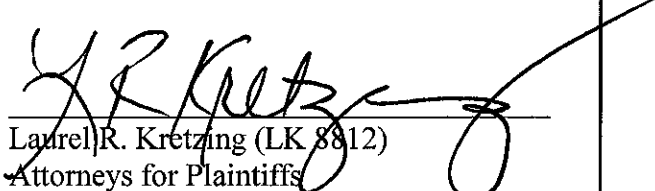
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Dated: Garden City, New York
July 31, 2002

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